

Notice of Allowability

Application No.

09/744,176

Examiner

Bao Qun Li

Applicant(s)

REITER ET AL.

Art Unit

1648

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed on 02/13/2004.
2. ☒ The allowed claim(s) is/are 1,2,17 and 25-28, 30.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☒ to Paper No./Mail Date No. 9.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 03/16 & 29/04.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

Bao Qun Li

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Nakamura Dean on March 16 & 29, 2004.

The application has been amended as follows:

Specification: In lines 13-14 of page 23, deleted "under <http://www.ncbi.nlm.nih.gov/PubMed/medline.html>" and inserted --- at the NCBI website.---

In line 14-18 of page 23, deleted " and addresses such as <http://www.ncbi.nlm.nih.gov/>, <http://www.infobiogen.fr/>, http://www.fmi.ch/biology/reseach_tools.html, <http://www.tigr.otg/>," and inserted --- the infobiogen website, fmi.ch website, and tigr website ---

In line 18 of page 23, deleted " <http://www.lycos.com>", and inserted --- lycos.com website ---

In line 25 of page 38, deleted (<http://www.mrc-cpe.cam.ac.uk/imt-doc/>)" and inserted --- at mrc.cpe.cam.ac.uk website ---

Claim 2 (Current amended). In line 2, deleted "one of a polyclonal antiserum" and inserted --- a polyclonal antibody --- In line 3-4, deleted " , or a chemically modified derivative thereof"

Claim 30 (Current amended). In line 3 after 27, deleted "to 29"

Canceled claims 4, 24 and 29.

Claims 1-2, 17, 25-28 and 30 are allowed.

2. The following is an examiner's statement of reasons for allowance: No prior art has particularly teach or suggest to isolate an antibody comprising particular sequences or sequence regions of SEQ ID NOs: 2 and 4 that encodes the unique V_H complementary determining regions of CDR1, CDR2, CDR3 and V_L complementary determining regions of CDR2 and CDR3 of the isolated antibody. It is well know in the art that if the sequences encoding the CDRs of a particular isolated antibody are known, one skilled in the art would be able to use the sequences to generate a chimeric antibody, a humanized antibody, a synthetic antibody or a fragment of the claimed antibody, which Applicants is also taught in the specification (See lines 4-20 on page 5).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bao Qun Li whose telephone number is 571-272-0904. The examiner can normally be reached on 7:00 am to 4:00 pm .

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Housel can be reached on 571-272-0902. The fax phone number for the organization where this application or proceeding is assigned is 571-272-1600.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Bao Qun Li
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March 29, 2004

A handwritten signature in black ink that reads "James C. House". To the right of the signature, the date "4/19/04" is written.

JAMES HOUSEL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600